

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Elaine V. Pletsch,)	
)	
Plaintiff,)	ORDER ADOPTING
)	REPORT AND RECOMMENDATION
vs.)	
)	
Michael J. Astrue, Social Security)	Case No. 1:08-cv-026
Administration Commissioner,)	
)	
Defendant.)	

The plaintiff, Elaine V. Pletsch, filed a complaint on February 21, 2008, seeking judicial review of the Social Security Administration Commissioner's denial of her application for disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. §§ 401-433. See Docket No. 1. Pletsch filed a motion for summary judgment on June 23, 2008. See Docket No. 7. The defendant, the Social Security Administration Commissioner, filed a motion for summary judgment on July 21, 2008. See Docket No. 14. Magistrate Judge Charles S. Miller, Jr. conducted a review of the record and relevant case law and issued a Report and Recommendation on February 6, 2009. See Docket No. 18. Judge Miller recommended that the Commissioner's motion for summary judgment be denied; that Pletsch's motion for summary judgment be granted in part; that the decisions of the Commissioner be reversed; and that this matter be remanded to the Commissioner under sentence four of 42 U.S.C. § 405(g) for further proceedings. The parties were given ten (10) days to file objections to the Report and Recommendation. No objections were filed.

The Court has carefully reviewed the Report and Recommendation, relevant case law, and the entire record, and finds the Report and Recommendation to be persuasive. The Court **ADOPTS** the Report and Recommendation (Docket No. 18) in its entirety. The Commissioner's motion for

summary judgment (Docket No. 14) is **DENIED** and Pletsch's motion for summary judgment is **GRANTED IN PART** (Docket No. 7). The decisions of the Commissioner are **REVERSED** and the matter is **REMANDED** to the Commissioner under sentence four of 42 U.S.C. § 405(g) for further proceedings.

IT IS SO ORDERED.

Dated this 27th day of February, 2009.

/s/ Daniel L. Hovland

Daniel L. Hovland, Chief Judge
United States District Court